



January 24, 2002

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## HOUSE BILL No. 1014

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DIGEST OF HB 1014 (Updated January 23, 2002 12:24 PM - DI 75)

**Citations Affected:** IC 3-6; IC 3-11; IC 3-11.5; IC 3-12.

**Synopsis:** Extension of voting hours. Requires that beginning with the 2004 elections, the polls in each precinct in a county must open at 6 a.m. and close at 8 p.m., instead of at 6 p.m., on election day. Provides that beginning with the 2004 elections, the time that half-day precinct election officers change is 1 p.m. rather than noon on election day. Makes conforming amendments.

**Effective:** July 1, 2002.

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### Day, Ayres, Kruzan

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January 8, 2002, read first time and referred to Committee on Elections and Apportionment.  
January 23, 2002, reported — Do Pass.

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HB 1014—LS 6411/DI 75+



January 24, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## HOUSE BILL No. 1014

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 3-6-6-0.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2002]: **Sec. 0.5. As used in this chapter, "mid election day" refers**  
4 **to the following:**

5           **(1) Before January 1, 2004, noon on election day.**

6           **(2) After December 31, 2003, 1 p.m. on election day.**

7       SECTION 2. IC 3-6-6-10, AS AMENDED BY P.L.176-1999,  
8 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2002]: Sec. 10. (a) A county chairman may make nominations  
10 for precinct election offices by filing the nominations in writing with  
11 the circuit court clerk no later than noon fourteen (14) days before the  
12 election.

13       (b) This subsection does not apply to the office of precinct  
14 inspector. A county chairman may specify in the nomination of an  
15 individual for a precinct election office that the individual is nominated  
16 to serve until ~~noon on mid~~ election day and that another individual is  
17 nominated to serve in the same precinct election office beginning at

HB 1014—LS 6411/DI 75+



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~~noon on mid~~ election day until the expiration of the term of the office under section 37(b) of this chapter.

SECTION 3. IC 3-6-6-11, AS AMENDED BY P.L.176-1999, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. (a) A county election board shall appoint the voters who are nominated for precinct election offices by the county chairmen.

(b) This subsection does not apply to the office of precinct inspector. This subsection applies to an appointment to a precinct election office made following a nomination by a county chairman under this chapter. The county election board shall provide that an appointment of an individual to a precinct election office:

(1) expires at ~~noon on mid~~ election day; or

(2) begins at ~~noon on mid~~ election day and expires under section 37(b) of this chapter;

if the nomination made by the county chairman specifies that the nomination is made for a term that begins or expires at those times.

(c) This subsection does not apply to the office of precinct inspector. This subsection applies to an appointment to a precinct election office made by a county election board under section 13(b) of this chapter. The county election board may appoint an individual to a precinct election office for a term that:

(1) expires at ~~noon on mid~~ election day; or

(2) begins at ~~noon on mid~~ election day and expires under section 37(b) of this chapter.

SECTION 4. IC 3-11-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 8. **(a) Before January 1, 2004**, the polls in each precinct open at 6 a.m. and close at 6 p.m. on election day.

**(b) After December 31, 2003, the polls in each precinct open at 6 a.m. and close at 8 p.m. on election day.**

SECTION 5. IC 3-11-10-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. On election day each circuit court clerk (or an agent of the clerk) shall visit the appropriate post office to accept delivery of absentee envelopes at the latest possible time that will permit delivery of the ballots to the appropriate precinct election boards before ~~6 p.m.~~ **the time the polls are required to close on election day under IC 3-11-8-8.**

SECTION 6. IC 3-11-12-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 26. Each county election board shall be at its office from 5 a.m. until ~~6 p.m.~~ **the time the polls are required to close on election day under IC 3-11-8-8.**



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1 Upon notice that a voting machine is out of order or fails to work, the  
 2 board shall be ready between those hours to deliver to any precinct in  
 3 the county:

- 4 (1) necessary ballots;
- 5 (2) election booths with an adequate number of stalls;
- 6 (3) ballot boxes; and
- 7 (4) all necessary supplies and equipment as required by law.

8 SECTION 7. IC 3-11-14-19 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 19. Each county  
 10 election board shall be at its office from 5 a.m. until ~~6 p.m.~~ **the time**  
 11 **the polls are required to close** on election day **under IC 3-11-8-8.**

12 Upon notice that an electronic voting system is out of order or fails to  
 13 work, the board shall be ready between those hours to deliver to any  
 14 precinct in the county:

- 15 (1) necessary paper ballots;
- 16 (2) election booths with an adequate number of stalls;
- 17 (3) ballot boxes; and
- 18 (4) all necessary supplies and equipment as required by law.

19 SECTION 8. IC 3-11.5-4-13, AS AMENDED BY P.L.38-1999,  
 20 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2002]: Sec. 13. (a) If the absentee ballot counters find under  
 22 section 11 of this chapter that:

- 23 (1) the affidavit is insufficient or that the ballot has not been  
 24 endorsed with the initials of:
  - 25 (A) the two (2) members of the absentee voter board in the  
 26 office of the clerk of the circuit court under IC 3-11-4-19 or  
 27 IC 3-11-10-26;
  - 28 (B) the two (2) members of the absentee voter board visiting  
 29 the voter under IC 3-11-10-25; or
  - 30 (C) the two (2) appointed members of the county election  
 31 board or their designated representatives under IC 3-11-4-19;
- 32 (2) the signatures do not correspond or there is no signature;
- 33 (3) the absentee voter is not a qualified voter in the precinct;
- 34 (4) the absentee voter has voted in person at the election;
- 35 (5) the absentee voter has not registered;
- 36 (6) the ballot is open, or has been opened and resealed;
- 37 (7) the ballot envelope contains more than one (1) ballot of any  
 38 kind;
- 39 (8) in case of a primary election, if the absentee voter has not  
 40 previously voted, the voter failed to execute the proper  
 41 declaration relative to age and qualifications and the political  
 42 party with which the voter intends to affiliate; or



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(9) the ballot has been challenged and not supported;  
the ballots shall be rejected.

(b) If the absentee ballot counters are unable to agree on a finding described under this section or section 12 of this chapter, the county election board shall make the finding.

(c) The absentee ballot counters or county election board shall issue a certificate to a voter whose ballot has been rejected under this section if the voter appears in person before the board not later than ~~5 p.m.~~ **one (1) hour before the time the polls are required to close** on election day **under IC 3-11-8-8**. The certificate must state that the voter's absentee ballot has been rejected and that the voter may vote in person under section 21 of this chapter if otherwise qualified to vote.

SECTION 9. IC 3-12-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) At ~~6 p.m.~~ **the time the polls are required to close** on each election day **under IC 3-11-8-8**, the county election board shall assemble in a room to canvass the certificates, poll lists, and tally papers returned by each inspector in the county and to declare the results of the election as provided in this chapter.

(b) The canvassing must be performed in public under IC 5-14-1.5. However, the board may restrict access to parts of the room where election material is being handled or transported to safeguard the material.

(c) Except as provided in section 7 of this chapter, the county executive shall provide a room in the courthouse that contains adequate space to permit members of the public to witness the canvassing of votes.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1014, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

KROMKOWSKI, Chair

Committee Vote: yeas 8, nays 6.

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HB 1014—LS 6411/DI 75+

